

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-11598-WGY

HARVEY STEWART
Plaintiff

v.

R. JAMES NICHOLSON, SECRETARY
U.S. DEPARTMENT OF VETERANS
AFFAIRS
Defendant

**PLAINTIFF'S ASSENTED TO MOTION TO CONTINUE THE DEADLINES FOR
PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT AND DEFENDANT'S REPLY TO PLAINTIFF'S RESPONSE**

Now comes the Plaintiff, Harvey Stewart, with the assent of the Defendant, R. James Nicholson, Secretary, U.S. Department of Veterans Affairs, and hereby moves the Court (a) to continue the deadline for his response to the Defendant's motion for summary judgment in the above-captioned matter to June 16, 2005 and (b) to continue the deadline for the Defendant's reply to the Plaintiff's response to the Defendant's motion for summary judgment to June 23, 2005. As good cause therefor, the Plaintiff states that he and the Defendant participated in a mediation before Magistrate Judge Charles Swartwood on May 25, 2005, at which Magistrate Judge Swartwood ordered a continuation of the mediation to June 6, 2005. The parties seek to postpone further filings in relation to the summary judgment motion while they work to explore whether this case may be settled through mediation. The parties are not seeking to move the summary judgment motion hearing, which has been scheduled for July 7, 2005.

In accordance with Local Rule 7.1(a)(2), Plaintiff's counsel conferred with Defendant's counsel and the Defendant assents to this request and the relief sought herein.

WHEREFORE, the parties request that this motion be granted and that the deadline for the Plaintiff's response to the Defendant's motion for summary judgment be continued to June 16, 2005 and the Defendant's reply to the Plaintiff's response to the Defendant's motion for summary judgment be continued to June 23, 2005.

Respectfully submitted,

HARVEY STEWART,
By his Attorney,

/s/ Scott W. Lang
Scott W. Lang, Esquire BBO #285720
Lang, Xifaras & Bullard
115 Orchard Street
New Bedford, MA 02740
(508) 992-1270

Dated: May 26, 2005

Assented to by:

R. JAMES NICHOLSON, SECRETARY
U.S. DEPARTMENT OF VETERANS
AFFAIRS,
By his Attorney,

/s/ Barbara Healy Smith
Barbara Healy Smith
Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3263

Dated: May 26, 2005

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel certifies that on May 25, 2005, his associate, Attorney Jennifer Davis, conferred with Defendant's counsel regarding the grounds for and relief requested by this motion and the Defendant assents to both.

/s/ Scott W. Lang
Scott W. Lang, Esquire